



State of Wisconsin
2013-2014 LEGISLATURE

IN 1/23



LRB-0067/2

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DOA:.....Major, BB0186 – Adoption assistance and subsidized guardianships

FOR 2013-2015 BUDGET – NOT READY FOR INTRODUCTION

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1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, a county department of human services or social services (county department) or, in a county having a population of 750,000 or more, DCF may provide monthly subsidized guardianship payments to the guardian of a child who has been adjudged to be in need of protection or services if certain conditions have been met, including the conditions that the child has been residing in the home of the guardian for not less than six consecutive months, the child's situation precludes the child from returning home or from being adopted, and the guardian has a strong commitment to caring for the child permanently. Currently, the amount of a monthly subsidized guardianship payment is *equal to* the foster care payment received by the guardian for the month immediately preceding the month in which the guardianship order was granted or a lesser amount if agreed to by the guardian.

This bill requires a county department or DCF, whichever is applicable, to determine the amount of a monthly subsidized guardianship payment based on the circumstances of the guardian and the needs of the child, but provides that that amount *may not exceed* the foster care payment received by the guardian for the month immediately preceding the month in which the guardianship order was granted.

Current law also permits DCF to provide payments to the adoptive or proposed adoptive parents of a child with special needs to assist in the cost of care of the child

when DCF determines that those payments are necessary to assure the child's adoption (adoption assistance). Currently, an agreement to provide adoption assistance may be made only for a child who is in the guardianship of DCF, an American Indian tribal agency in this state (tribal agency), or *another agency* authorized to place children for adoption or who is in a subsidized guardianship. This bill permits an adoption assistance agreement to be made only for a child who is in the guardianship of DCF, a tribal agency, or a *county department* authorized to place children for adoption; who is in a subsidized guardianship; or who is otherwise eligible for adoption assistance payments under Title IV-E of the federal Social Security Act.

Currently, the initial amount of adoption assistance for the support of a child who was in foster care or subsidized guardianship care immediately prior to placement for adoption is *equivalent to* the amount of the payments for that care at the time the adoption assistance agreement is signed, and the initial amount of adoption assistance for the support of a child who was not in that care immediately prior to placement for adoption is *equivalent to* the uniform foster care rate applicable to the child at the time the adoption assistance agreement is signed, unless a lesser amount is agreed to by the proposed adoptive parents, except that the initial amount of adoption assistance for the support of a child who is at high risk of developing moderate or intensive difficulty-of-care problems is \$0, but that amount may be increased if the child develops those problems.

This bill requires DCF to determine the initial amount of adoption assistance for the support of a child based on the circumstances of the adoptive family and the needs of the child, but provides that that amount *may not exceed* the amount of the child's foster care or subsidized guardianship care payments or the uniform foster care rate, whichever is applicable, at the time the adoption assistance agreement is signed.

Guardianship of a child is transferred to DCF following a TPR
Under current law, when the court assigned to exercise jurisdiction under the Children's Code (juvenile court) or a tribal court enters an order terminating parental rights to a child (TPR), the juvenile court or tribal court may transfer guardianship of the child to DCF, which is then responsible for securing the adoption of the child. If a permanent adoptive placement is not in progress two years after the entry of the TPR order, DCF may petition the juvenile court or tribal court to transfer legal custody of the child to a county department or back to the Indian tribe. This bill requires DCF, when ~~those circumstances apply~~ to seek a permanent adoptive placement for the child or to seek to enter into a subsidized guardianship agreement with a proposed guardian of the child and to petition the juvenile court or tribal court for the appointment of that individual as the guardian of the child. ~~The bill similarly requires a county department to seek to enter into such an agreement and to petition for such an appointment when legal custody of a child is transferred to the county department.~~

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 48.43 (7) of the statutes is renumbered 48.43 (7) (a) and amended
2 to read:

3 48.43 (7) (a) If the agency specified under sub. (1) (a) is the department ~~and,~~
4 the department shall seek a permanent adoptive placement for the child or seek to
5 enter into a subsidized guardianship agreement under s. 48.623 (2) with a proposed
6 guardian of the child and petition the court for the appointment of that individual
7 as the guardian of the child under s. 48.977 (2).

8 (b) If a permanent adoptive or subsidized guardianship placement is not in
9 progress 2 years after entry of the order, the department may petition the court to
10 transfer legal custody of the child to a county department, except that the
11 department may not petition the court to transfer to a county department legal
12 custody of a child who was initially taken into custody under s. 48.195 (1). The court
13 shall transfer the child's legal custody to the county department specified in the
14 petition. ~~If legal custody is transferred to a county department, the county~~
15 ~~department shall seek to enter into a subsidized guardianship agreement under s.~~
16 ~~48.623 (2) with a proposed guardian of the child and petition the court for the~~
17 ~~appointment of that individual as the guardian of the child under s. 48.977 (2).~~ The
18 department shall remain the child's guardian ~~until the appointment of a guardian~~
19 ~~under s. 48.977 (2).~~

20 **SECTION 2.** 48.48 (3m) (d) of the statutes is amended to read:

1 48.48 (3m) (d) The tribal court has signed a written contract that addresses
2 federal and state law and that provides that the tribal court will accept the return
3 of the legal custody or the legal custody and guardianship of the child if the
4 department petitions the tribal court to do so under s. 48.485 (2).

5 **SECTION 3.** 48.485 of the statutes is renumbered 48.485 (1) and amended to
6 read:

7 48.485 (1) If the department accepts guardianship or legal custody or both from
8 a tribal court under s. 48.48 (3m), the department shall seek a permanent adoptive
9 placement for the child or seek to enter into a subsidized guardianship agreement
10 under s. 48.623 (2) with a proposed guardian of the child and petition the court for
11 the appointment of that individual as the guardian of the child under s. 48.977 (2)
12 or under a substantially similar tribal law.

13 (2) If a permanent adoptive placement is not in progress within 2 years after
14 entry of the termination of parental rights order by the tribal court, the department
15 may petition the tribal court to transfer legal custody or guardianship of the Indian
16 child back to the Indian tribe, except that the department may not petition the tribal
17 court to transfer back to an Indian tribe legal custody or guardianship of an Indian
18 child who was initially taken into custody under s. 48.195 (1).

19 **SECTION 4.** 48.623 (1) (intro.) of the statutes is amended to read:

20 48.623 (1) ELIGIBILITY. (intro.) A county department or, ~~in a county having a~~
21 ~~population of 750,000 or more~~ as provided in sub. (3) (a), the department shall
22 provide monthly subsidized guardianship payments in the amount specified in sub.
23 (3) (b) to a guardian of a child under s. 48.977 (2) or under a substantially similar
24 tribal law if the county department or department determines that the conditions
25 specified in pars. (a) to (d) have been met. A county department or, ~~in a county having~~

1 ~~a population of 750,000 or more as provided in sub. (3) (a),~~ the department shall also
2 provide those payments for the care of a sibling of such a child, regardless of whether
3 the sibling meets the conditions specified in par. (a), if the county department or
4 department and the guardian agree on the appropriateness of placing the sibling in
5 the home of the guardian. A guardian of a child under s. 48.977 (2) or under a
6 substantially similar tribal law is eligible for monthly subsidized guardianship
7 payments under this subsection if the county department or, ~~in a county having a~~
8 ~~population of 750,000 or more,~~ the department, whichever will be providing those
9 payments, determines that all of the following apply:

10 **SECTION 5.** 48.623 (3) (a) of the statutes is amended to read:

11 48.623 (3) (a) Except as provided in this paragraph, the county department
12 shall provide the monthly payments under sub. (1) or (6). The county department
13 shall provide those payments from moneys received under s. 48.569 (1) (d). In a
14 county having a population of 750,000 or more or in the circumstances specified in
15 s. 48.43 (7) (a) or 48.485 (1), the department shall provide the monthly payments
16 under sub. (1) or (6). The department shall provide those payments from the
17 appropriations under s. 20.437 (1) (dd) and (pd). ~~In any other county, the county~~
18 ~~department shall provide those payments from moneys received under s. 48.569 (1)~~
19 ~~(d).~~

20 **SECTION 6.** 48.623 (3) (b) of the statutes is amended to read:

21 48.623 (3) (b) The county department or, as provided in par. (a), the department
22 shall determine the amount of a monthly payment under sub. (1) or (6) for the care
23 of a child shall equal based on the circumstances of the guardian and the needs of the
24 child. That amount may not exceed the amount received under s. 48.62 (4) by the
25 guardian of the child for the month immediately preceding the month in which the

1 guardianship order was granted ~~or a lesser amount if agreed to by the guardian and~~
2 ~~specified in the agreement under sub. (2) (b).~~ A guardian or an interim caretaker who
3 receives a monthly payment under sub. (1) or (6) for the care of a child is not eligible
4 to receive a payment under s. 48.57 (3m) or (3n) or 48.62 (4) for the care of that child.

5 **SECTION 7.** 48.975 (3) (a) 1. of the statutes is amended to read:

6 48.975 (3) (a) 1. Except as provided in subd. 3., for support of a child who was
7 in foster care or subsidized guardianship care immediately prior to placement for
8 adoption, the department shall determine the initial amount of adoption assistance
9 for maintenance ~~shall be equivalent to~~ based on the circumstances of the adoptive
10 family and the needs of the child. That amount may not exceed the amount of that
11 the child's foster care or subsidized guardianship care payment at the time that the
12 agreement under sub. (4) (a) is signed ~~or a lesser amount if agreed to by the proposed~~
13 ~~adoptive parents and specified in that agreement.~~

14 **SECTION 8.** 48.975 (3) (a) 2. of the statutes is amended to read:

15 48.975 (3) (a) 2. Except as provided in subd. 3., for support of a child not in foster
16 care or subsidized guardianship care immediately prior to placement for adoption,
17 the department shall determine the initial amount of adoption assistance for
18 maintenance ~~shall be equivalent to~~ based on the circumstances of the adoptive family
19 and the needs of the child. That amount may not exceed the uniform foster care rate
20 applicable to the child that is in effect at the time that the agreement under sub. (4)
21 (a) is signed ~~or a lesser amount if agreed to by the proposed adoptive parents and~~
22 ~~specified in that agreement.~~

23 **SECTION 9.** 48.975 (4) (a) of the statutes is amended to read:

24 48.975 (4) (a) Except in extenuating circumstances, as defined by the
25 department by rule promulgated under sub. (5) (a), a written agreement to provide

1 adoption assistance shall be made prior to adoption. An agreement to provide
2 adoption assistance may be made only for a child who, at the time of placement for
3 adoption, is in the guardianship of the department or ~~other agency~~ a county
4 department authorized to place children for adoption, is in the guardianship of an
5 American Indian tribal agency in this state, ~~or is~~ is in a subsidized guardianship under
6 s. 48.623, or is otherwise eligible for adoption assistance payments under 42 USC 673
7 (a) (2) (A).

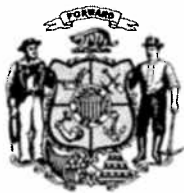
8 **SECTION 10.** 48.977 (3r) of the statutes is amended to read:

9 48.977 **(3r)** SUBSIDIZED GUARDIANSHIP. Subsidized guardianship payments
10 under s. 48.623 (1) may not be made to a guardian of a child unless a subsidized
11 guardianship agreement under s. 48.623 (2) is entered into before the guardianship
12 order is granted and the court either terminates any order specified in sub. (2) (a) or
13 dismisses any proceeding in which the child has been adjudicated in need of
14 protection or services as specified in sub. (2) (a). If a child's permanency plan calls
15 for placement of the child in the home of a guardian and the provision of monthly
16 subsidized guardianship payments to the guardian, the petitioner under sub. (4) (a)
17 shall include in the petition under sub. (4) (b) a statement of the determinations
18 made under s. 48.623 (1) and a request for the court to include in the court's findings
19 under sub. (4) (d) a finding confirming those determinations. If the court confirms
20 those determinations, appoints a guardian for the child under sub. (2), and either
21 terminates any order specified in sub. (2) (a) or dismisses any proceeding in which
22 the child is adjudicated to be in need of protection or services as specified in sub. (2)
23 (a), the county department or, ~~in a county having a population of 750,000 or more,~~
24 as provided in s. 48.623 (3) (a), the department shall provide monthly subsidized
25 guardianship payments to the guardian under s. 48.623 (1).

SECTION 9306. Initial applicability; Children and Families.

(1) SUBSIDIZED GUARDIANSHIP AND ADOPTION ASSISTANCE AGREEMENTS. The treatment of sections 48.623 (1) (intro.) and (3) (b), 48.975 (3) (a) 1. and 2. and (4) (a), and 48.977 (3r) of the statutes first applies to a subsidized guardianship agreement or an adoption assistance agreement entered into or amended on the effective date of this subsection.

(END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-006773

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IN 215

Stays

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PWR

DOA:.....Major, BB0186 - Adoption assistance and subsidized guardianships

FOR 2013-2015 BUDGET - NOT READY FOR INTRODUCTION

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1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, a county department of human services or social services (county department) or, in a county having a population of 750,000 or more, DCF may provide monthly subsidized guardianship payments to the guardian of a child who has been adjudged to be in need of protection or services if certain conditions have been met, including the conditions that the child has been residing in the home of the guardian for not less than six consecutive months, the child's situation precludes the child from returning home or from being adopted, and the guardian has a strong commitment to caring for the child permanently. Currently, the amount of a monthly subsidized guardianship payment is *equal to* the foster care payment received by the guardian for the month immediately preceding the month in which the guardianship order was granted or a lesser amount if agreed to by the guardian.

This bill requires a county department or DCF, whichever is applicable, to determine the amount of a monthly subsidized guardianship payment based on the circumstances of the guardian and the needs of the child, but provides that that amount *may not exceed* the foster care payment received by the guardian for the month immediately preceding the month in which the guardianship order was granted.

Current law also permits DCF to provide payments to the adoptive or proposed adoptive parents of a child with special needs to assist in the cost of care of the child

when DCF determines that those payments are necessary to assure the child's adoption (adoption assistance). Currently, an agreement to provide adoption assistance may be made only for a child who is in the guardianship of DCF, an American Indian tribal agency in this state (tribal agency), or *another agency* authorized to place children for adoption or who is in a subsidized guardianship. This bill permits an adoption assistance agreement to be made only for a child who is in the guardianship of DCF, a tribal agency, or *a county department* authorized to place children for adoption; who is in a subsidized guardianship; or who is otherwise eligible for adoption assistance payments under Title IV-E of the federal Social Security Act.

Currently, the initial amount of adoption assistance for the support of a child who was in foster care or subsidized guardianship care immediately prior to placement for adoption is *equivalent to* the amount of the payments for that care at the time the adoption assistance agreement is signed, and the initial amount of adoption assistance for the support of a child who was not in that care immediately prior to placement for adoption is *equivalent to* the uniform foster care rate applicable to the child at the time the adoption assistance agreement is signed, unless a lesser amount is agreed to by the proposed adoptive parents, except that the initial amount of adoption assistance for the support of a child who is at high risk of developing moderate or intensive difficulty-of-care problems is \$0, but that amount may be increased if the child develops those problems.

This bill requires DCF to determine the initial amount of adoption assistance for the support of a child based on the circumstances of the adoptive family and the needs of the child, but provides that that amount *may not exceed* the amount of the child's foster care or subsidized guardianship care payments or the uniform foster care rate, whichever is applicable, at the time the adoption assistance agreement is signed.

Under current law, when the court assigned to exercise jurisdiction under the Children's Code (juvenile court) or a tribal court enters an order terminating parental rights to a child (TPR), the juvenile court or tribal court may transfer guardianship of the child to DCF, which is then responsible for securing the adoption of the child. If a permanent adoptive placement is not in progress two years after the entry of the TPR order, DCF may petition the juvenile court or tribal court to transfer legal custody of the child to a county department or back to the Indian tribe. This bill requires DCF, when guardianship of a child is transferred to DCF following a TPR, to seek a permanent adoptive placement for the child or to seek to enter into a subsidized guardianship agreement with a proposed guardian of the child and to petition the juvenile court or tribal court for the appointment of that individual as the guardian of the child.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 48.43 (7) of the statutes is renumbered 48.43 (7) (a) and amended
2 to read:

3 48.43 (7) (a) If the agency specified under sub. (1) (a) is the department and,
4 the department shall seek a permanent adoptive placement for the child or seek to
5 enter into a subsidized guardianship agreement under s. 48.623 (2) with a proposed
6 guardian of the child and petition the court for the appointment of that individual
7 as the guardian of the child under s. 48.977 (2).

8 **(b)** If a permanent adoptive or subsidized guardianship placement is not in
9 progress 2 years after entry of the order, the department may petition the court to
10 transfer legal custody of the child to a county department, except that the
11 department may not petition the court to transfer to a county department legal
12 custody of a child who was initially taken into custody under s. 48.195 (1). The court
13 shall transfer the child's legal custody to the county department specified in the
14 petition. The department shall remain the child's guardian.

15 **SECTION 2.** 48.48 (3m) (d) of the statutes is amended to read:

16 48.48 (3m) (d) The tribal court has signed a written contract that addresses
17 federal and state law and that provides that the tribal court will accept the return
18 of the legal custody or the legal custody and guardianship of the child if the
19 department petitions the tribal court to do so under s. 48.485 (2).

20 **SECTION 3.** 48.485 of the statutes is renumbered 48.485 (1) and amended to
21 read:

22 48.485 (1) If the department accepts guardianship or legal custody or both from
23 a tribal court under s. 48.48 (3m), the department shall seek a permanent adoptive
24 placement for the child or seek to enter into a subsidized guardianship agreement
25 under s. 48.623 (2) with a proposed guardian of the child and petition the court for

or subsidized guardianship

1 the appointment of that individual as the guardian of the child under s. 48.977 (2)
2 or under a substantially similar tribal law.

3 (2) If a permanent adoptive placement is not in progress within 2 years after
4 entry of the termination of parental rights order by the tribal court, the department
5 may petition the tribal court to transfer legal custody or guardianship of the Indian
6 child back to the Indian tribe, except that the department may not petition the tribal
7 court to transfer back to an Indian tribe legal custody or guardianship of an Indian
8 child who was initially taken into custody under s. 48.195 (1).

9 SECTION 4. 48.623 (1) (intro.) of the statutes is amended to read:

10 48.623 (1) ELIGIBILITY. (intro.) A county department or, ~~in a county having a~~
11 ~~population of 750,000 or more as provided in sub. (3) (a),~~ the department shall
12 provide monthly subsidized guardianship payments in the amount specified in sub.
13 (3) (b) to a guardian of a child under s. 48.977 (2) or under a substantially similar
14 tribal law if the county department or department determines that the conditions
15 specified in pars. (a) to (d) have been met. A county department or, ~~in a county having~~
16 ~~a population of 750,000 or more as provided in sub. (3) (a),~~ the department shall also
17 provide those payments for the care of a sibling of such a child, regardless of whether
18 the sibling meets the conditions specified in par. (a), if the county department or
19 department and the guardian agree on the appropriateness of placing the sibling in
20 the home of the guardian. A guardian of a child under s. 48.977 (2) or under a
21 substantially similar tribal law is eligible for monthly subsidized guardianship
22 payments under this subsection if the county department or, ~~in a county having a~~
23 ~~population of 750,000 or more,~~ the department, whichever will be providing those
24 payments, determines that all of the following apply:

25 SECTION 5. 48.623 (3) (a) of the statutes is amended to read:

1 48.623 (3) (a) Except as provided in this paragraph, the county department
2 shall provide the monthly payments under sub. (1) or (6). The county department
3 shall provide those payments from moneys received under s. 48.569 (1) (d). In a
4 county having a population of 750,000 or more or in the circumstances specified in
5 s. 48.43 (7) (a) or 48.485 (1), the department shall provide the monthly payments
6 under sub. (1) or (6). The department shall provide those payments from the
7 appropriations under s. 20.437 (1) (dd) and (pd). In any other county, the county
8 department shall provide those payments from moneys received under s. 48.569 (1)
9 (d).

10 **SECTION 6.** 48.623 (3) (b) of the statutes is amended to read:

11 48.623 (3) (b) The county department or, as provided in par. (a), the department
12 shall determine the amount of a monthly payment under sub. (1) or (6) for the care
13 of a child shall equal based on the circumstances of the guardian and the needs of the
14 child. That amount may not exceed the amount received under s. 48.62 (4) by the
15 guardian of the child for the month immediately preceding the month in which the
16 guardianship order was granted or a lesser amount if agreed to by the guardian and
17 specified in the agreement under sub. (2) (b). A guardian or an interim caretaker who
18 receives a monthly payment under sub. (1) or (6) for the care of a child is not eligible
19 to receive a payment under s. 48.57 (3m) or (3n) or 48.62 (4) for the care of that child.

20 **SECTION 7.** 48.975 (3) (a) 1. of the statutes is amended to read:

21 48.975 (3) (a) 1. Except as provided in subd. 3., for support of a child who was
22 in foster care or subsidized guardianship care immediately prior to placement for
23 adoption, the department shall determine the initial amount of adoption assistance
24 for maintenance shall be equivalent to based on the circumstances of the adoptive
25 family and the needs of the child. That amount may not exceed the amount of that

1 ~~the~~ child's foster care or subsidized guardianship care payment at the time that the
2 agreement under sub. (4) (a) is signed ~~or a lesser amount if agreed to by the proposed~~
3 ~~adoptive parents and specified in that agreement.~~

4 **SECTION 8.** 48.975 (3) (a) 2. of the statutes is amended to read:

5 48.975 (3) (a) 2. Except as provided in subd. 3., for support of a child not in foster
6 care or subsidized guardianship care immediately prior to placement for adoption,
7 the department shall determine the initial amount of adoption assistance for
8 maintenance ~~shall be equivalent to~~ based on the circumstances of the adoptive family
9 and the needs of the child. That amount may not exceed the uniform foster care rate
10 applicable to the child that is in effect at the time that the agreement under sub. (4)
11 (a) is signed ~~or a lesser amount if agreed to by the proposed adoptive parents and~~
12 ~~specified in that agreement.~~

13 **SECTION 9.** 48.975 (4) (a) of the statutes is amended to read:

14 48.975 (4) (a) Except in extenuating circumstances, as defined by the
15 department by rule promulgated under sub. (5) (a), a written agreement to provide
16 adoption assistance shall be made prior to adoption. An agreement to provide
17 adoption assistance may be made only for a child who, at the time of placement for
18 adoption, is in the guardianship of the department or ~~other agency~~ a county
19 department authorized to place children for adoption, is in the guardianship of an
20 American Indian tribal agency in this state, ~~or is~~ in a subsidized guardianship under
21 s. 48.623, or is otherwise eligible for adoption assistance payments under 42 USC 673
22 (a) (2) (A).

23 **SECTION 10.** 48.977 (3r) of the statutes is amended to read:

24 48.977 (3r) SUBSIDIZED GUARDIANSHIP. Subsidized guardianship payments
25 under s. 48.623 (1) may not be made to a guardian of a child unless a subsidized

guardianship agreement under s. 48.623 (2) is entered into before the guardianship order is granted and the court either terminates any order specified in sub. (2) (a) or dismisses any proceeding in which the child has been adjudicated in need of protection or services as specified in sub. (2) (a). If a child's permanency plan calls for placement of the child in the home of a guardian and the provision of monthly subsidized guardianship payments to the guardian, the petitioner under sub. (4) (a) shall include in the petition under sub. (4) (b) a statement of the determinations made under s. 48.623 (1) and a request for the court to include in the court's findings under sub. (4) (d) a finding confirming those determinations. If the court confirms those determinations, appoints a guardian for the child under sub. (2), and either terminates any order specified in sub. (2) (a) or dismisses any proceeding in which the child is adjudicated to be in need of protection or services as specified in sub. (2) (a), the county department or, ~~in a county having a population of 750,000 or more,~~ as provided in s. 48.623 (3) (a), the department shall provide monthly subsidized guardianship payments to the guardian under s. 48.623 (1).

SECTION 9306. Initial applicability; Children and Families.

(1) SUBSIDIZED GUARDIANSHIP AND ADOPTION ASSISTANCE AGREEMENTS. The treatment of sections 48.623 (1) (intro.) and (3) (b), 48.975 (3) (a) 1. and 2. and (4) (a), and 48.977 (3r) of the statutes first applies to a subsidized guardianship agreement or an adoption assistance agreement entered into or amended on the effective date of this subsection.

(END)

DATE
date

LRB-0067/4dn
GMM:eev:

Katie:

This redraft simply inserts a reference to "subsidized guardianship" in s. 48.485 (2) to make that provision parallel to s. 48.43 (7) (b).
Theresa Durkin from the DCF Office of Legal Counsel pointed this out to me.
GMM

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0067/4dn
GMM:eev:ph

February 6, 2013

Katie:

This redraft simply inserts a reference to “subsidized guardianship” in s. 48.485 (2) to make that provision parallel to s. 48.43 (7) (b). Therese Durkin from the DCF Office of Legal Counsel pointed this out to me.

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Senior Legislative Attorney
Phone: (608) 266-9738
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State of Wisconsin
2013 - 2014 LEGISLATURE

IN 213

NOTE



LRB-0067/4

GMM:eev:ph

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DOA:.....Major, BB0186 - Adoption assistance and subsidized guardianships
FOR 2013-2015 BUDGET - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

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HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, a county department of human services or social services (county department) or, in a county having a population of 750,000 or more, DCF may provide monthly subsidized guardianship payments to the guardian of a child who has been adjudged to be in need of protection or services if certain conditions have been met, including the conditions that the child has been residing in the home of the guardian for not less than six consecutive months, the child's situation precludes the child from returning home or from being adopted, and the guardian has a strong commitment to caring for the child permanently. Currently, the amount of a monthly subsidized guardianship payment is *equal to* the foster care payment received by the guardian for the month immediately preceding the month in which the guardianship order was granted or a lesser amount if agreed to by the guardian.

This bill requires a county department or DCF, whichever is applicable, to determine the amount of a monthly subsidized guardianship payment based on the circumstances of the guardian and the needs of the child, but provides that that amount *may not exceed* the foster care payment received by the guardian for the month immediately preceding the month in which the guardianship order was granted.

Current law also permits DCF to provide payments to the adoptive or proposed adoptive parents of a child with special needs to assist in the cost of care of the child

when DCF determines that those payments are necessary to assure the child's adoption (adoption assistance). Currently, an agreement to provide adoption assistance may be made only for a child who is in the guardianship of DCF, an American Indian tribal agency in this state (tribal agency), or *another agency* authorized to place children for adoption or who is in a subsidized guardianship. This bill permits an adoption assistance agreement to be made only for a child who is in the guardianship of DCF, a tribal agency, or *a county department* authorized to place children for adoption; who is in a subsidized guardianship; or who is otherwise eligible for adoption assistance payments under Title IV-E of the federal Social Security Act.

Currently, the initial amount of adoption assistance for the support of a child who was in foster care or subsidized guardianship care immediately prior to placement for adoption is *equivalent to* the amount of the payments for that care at the time the adoption assistance agreement is signed, and the initial amount of adoption assistance for the support of a child who was not in that care immediately prior to placement for adoption is *equivalent to* the uniform foster care rate applicable to the child at the time the adoption assistance agreement is signed, unless a lesser amount is agreed to by the proposed adoptive parents, except that the initial amount of adoption assistance for the support of a child who is at high risk of developing moderate or intensive difficulty-of-care problems is \$0, but that amount may be increased if the child develops those problems.

This bill requires DCF to determine the initial amount of adoption assistance for the support of a child based on the circumstances of the adoptive family and the needs of the child, but provides that that amount *may not exceed* the amount of the child's foster care or subsidized guardianship care payments or the uniform foster care rate, whichever is applicable, at the time the adoption assistance agreement is signed.

Under current law, when the court assigned to exercise jurisdiction under the Children's Code (juvenile court) or a tribal court enters an order terminating parental rights to a child (TPR), the juvenile court or tribal court may transfer guardianship of the child to DCF, which is then responsible for securing the adoption of the child. If a permanent adoptive placement is not in progress two years after the entry of the TPR order, DCF may petition the juvenile court or tribal court to transfer legal custody of the child to a county department or back to the Indian tribe. This bill requires DCF, when guardianship of a child is transferred to DCF following a TPR, to seek a permanent adoptive placement for the child or to seek to enter into a subsidized guardianship agreement with a proposed guardian of the child and to petition the juvenile court or tribal court for the appointment of that individual as the guardian of the child.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 48.43 (7) of the statutes is renumbered 48.43 (7) (a) and amended
2 to read:

3 48.43 (7) (a) If the agency specified under sub. (1) (a) is the department and,
4 the department shall seek a permanent adoptive placement for the child or seek to
5 enter into a subsidized guardianship agreement under s. 48.623 (2) with a proposed
6 guardian of the child and petition the court for the appointment of that individual
7 as the guardian of the child under s. 48.977 (2).

8 (b) If a permanent adoptive or subsidized guardianship placement is not in
9 progress 2 years after entry of the order, the department may petition the court to
10 transfer legal custody of the child to a county department, except that the
11 department may not petition the court to transfer to a county department legal
12 custody of a child who was initially taken into custody under s. 48.195 (1). The court
13 shall transfer the child's legal custody to the county department specified in the
14 petition. The department shall remain the child's guardian.

15 **SECTION 2.** 48.48 (3m) (d) of the statutes is amended to read:

16 48.48 (3m) (d) The tribal court has signed a written contract that addresses
17 federal and state law and that provides that the tribal court will accept the return
18 of the legal custody or the legal custody and guardianship of the child if the
19 department petitions the tribal court to do so under s. 48.485 (2).

20 **SECTION 3.** 48.485 of the statutes is renumbered 48.485 (1) and amended to
21 read:

22 48.485 (1) If the department accepts guardianship or legal custody or both from
23 a tribal court under s. 48.48 (3m), the department shall seek a permanent adoptive
24 placement for the child or seek to enter into a subsidized guardianship agreement
25 under s. 48.623 (2) with a proposed guardian of the child and petition the court for

1 the appointment of that individual as the guardian of the child under s. 48.977 (2)
2 or under a substantially similar tribal law.

3 (2) If a permanent adoptive or subsidized guardianship placement is not in
4 progress within 2 years after entry of the termination of parental rights order by the
5 tribal court, the department may petition the tribal court to transfer legal custody
6 or guardianship of the Indian child back to the Indian tribe, except that the
7 department may not petition the tribal court to transfer back to an Indian tribe legal
8 custody or guardianship of an Indian child who was initially taken into custody
9 under s. 48.195 (1).

10 SECTION 4. 48.623 (1) (intro.) of the statutes is amended to read:

11 48.623 (1) ELIGIBILITY. (intro.) A county department or, ~~in a county having a~~
12 ~~population of 750,000 or more~~ as provided in sub. (3) (a), the department shall
13 provide monthly subsidized guardianship payments in the amount specified in sub.
14 (3) (b) to a guardian of a child under s. 48.977 (2) or under a substantially similar
15 tribal law if the county department or department determines that the conditions
16 specified in pars. (a) to (d) have been met. A county department or, ~~in a county having~~
17 ~~a population of 750,000 or more~~ as provided in sub. (3) (a), the department shall also
18 provide those payments for the care of a sibling of such a child, regardless of whether
19 the sibling meets the conditions specified in par. (a), if the county department or
20 department and the guardian agree on the appropriateness of placing the sibling in
21 the home of the guardian. A guardian of a child under s. 48.977 (2) or under a
22 substantially similar tribal law is eligible for monthly subsidized guardianship
23 payments under this subsection if the county department or, ~~in a county having a~~
24 ~~population of 750,000 or more~~, the department, whichever will be providing those
25 payments, determines that all of the following apply:

48.48 (8p) or

1 SECTION 5. 48.623 (3) (a) of the statutes is amended to read:

2 48.623 (3) (a) Except as provided in this paragraph, the county department
 3 shall provide the monthly payments under sub. (1) or (6). The county department
 4 shall provide those payments from moneys received under s. 48.569 (1) (d). In a
 5 county having a population of 750,000 or more or in the circumstances specified in
 6 s. 48.43 (7) (a) or 48.485 (1), the department shall provide the monthly payments
 7 under sub. (1) or (6). The department shall provide those payments from the
 8 appropriations under s. 20.437 (1) (dd) and (pd). In any other county, the county
 9 department shall provide those payments from moneys received under s. 48.569 (1)
 10 (d).

11 SECTION 6. 48.623 (3) (b) of the statutes is amended to read:

12 48.623 (3) (b) The county department or, as provided in par. (a), the department
 13 shall determine the amount of a monthly payment under sub. (1) or (6) for the care
 14 of a child shall equal based on the circumstances of the guardian and the needs of the
 15 child. That amount may not exceed the amount received under s. 48.62 (4) by the
 16 guardian of the child for the month immediately preceding the month in which the
 17 guardianship order was granted or a lesser amount if agreed to by the guardian and
 18 specified in the agreement under sub. (2) (b). A guardian or an interim caretaker who
 19 receives a monthly payment under sub. (1) or (6) for the care of a child is not eligible
 20 to receive a payment under s. 48.57 (3m) or (3n) or 48.62 (4) for the care of that child.

21 SECTION 7. 48.975 (3) (a) 1. of the statutes is amended to read:

22 48.975 (3) (a) 1. Except as provided in subd. 3., for support of a child who was
 23 in foster care or subsidized guardianship care immediately prior to placement for
 24 adoption, the department shall determine the initial amount of adoption assistance
 25 for maintenance shall be equivalent to based on the circumstances of the adoptive

XXXX NOTE: This is reconciled s 48.623 (3) (a). This section
 has been affected by drafts with the following LRB #s:
 LRB-0065/5 and LRB-0067/4.

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1 family and the needs of the child. That amount may not exceed the amount of ~~that~~
2 the child's foster care or subsidized guardianship care payment at the time that the
3 agreement under sub. (4) (a) is signed ~~or a lesser amount if agreed to by the proposed~~
4 ~~adoptive parents and specified in that agreement.~~

5 **SECTION 8.** 48.975 (3) (a) 2. of the statutes is amended to read:

6 48.975 (3) (a) 2. Except as provided in subd. 3., for support of a child not in foster
7 care or subsidized guardianship care immediately prior to placement for adoption,
8 the department shall determine the initial amount of adoption assistance for
9 maintenance shall be equivalent to based on the circumstances of the adoptive family
10 and the needs of the child. That amount may not exceed the uniform foster care rate
11 applicable to the child that is in effect at the time that the agreement under sub. (4)
12 (a) is signed ~~or a lesser amount if agreed to by the proposed adoptive parents and~~
13 ~~specified in that agreement.~~

14 **SECTION 9.** 48.975 (4) (a) of the statutes is amended to read:

15 48.975 (4) (a) Except in extenuating circumstances, as defined by the
16 department by rule promulgated under sub. (5) (a), a written agreement to provide
17 adoption assistance shall be made prior to adoption. An agreement to provide
18 adoption assistance may be made only for a child who, at the time of placement for
19 adoption, is in the guardianship of the department or ~~other agency~~ a county
20 department authorized to place children for adoption, is in the guardianship of an
21 American Indian tribal agency in this state, ~~or is~~ in a subsidized guardianship under
22 s. 48.623, or is otherwise eligible for adoption assistance payments under 42 USC 673
23 (a) (2) (A).

24 **SECTION 10.** 48.977 (3r) of the statutes is amended to read:

1 48.977 (3r) SUBSIDIZED GUARDIANSHIP. Subsidized guardianship payments
2 under s. 48.623 (1) may not be made to a guardian of a child unless a subsidized
3 guardianship agreement under s. 48.623 (2) is entered into before the guardianship
4 order is granted and the court either terminates any order specified in sub. (2) (a) or
5 dismisses any proceeding in which the child has been adjudicated in need of
6 protection or services as specified in sub. (2) (a). If a child's permanency plan calls
7 for placement of the child in the home of a guardian and the provision of monthly
8 subsidized guardianship payments to the guardian, the petitioner under sub. (4) (a)
9 shall include in the petition under sub. (4) (b) a statement of the determinations
10 made under s. 48.623 (1) and a request for the court to include in the court's findings
11 under sub. (4) (d) a finding confirming those determinations. If the court confirms
12 those determinations, appoints a guardian for the child under sub. (2), and either
13 terminates any order specified in sub. (2) (a) or dismisses any proceeding in which
14 the child is adjudicated to be in need of protection or services as specified in sub. (2)
15 (a), the county department or, ~~in a county having a population of 750,000 or more,~~
16 as provided in s. 48.623 (3) (a), the department shall provide monthly subsidized
17 guardianship payments to the guardian under s. 48.623 (1).

18 **SECTION 9306. Initial applicability; Children and Families.**

19 (1) SUBSIDIZED GUARDIANSHIP AND ADOPTION ASSISTANCE AGREEMENTS. The
20 treatment of sections 48.623 (1) (intro.) and (3) (b), 48.975 (3) (a) 1. and 2. and (4) (a),
21 and 48.977 (3r) of the statutes first applies to a subsidized guardianship agreement
22 or an adoption assistance agreement entered into or amended on the effective date
23 of this subsection.

24 (END)

Katie Major:

DAV OF E
date
This draft reconciles LRB-0065/5 and LRB-0067/4. Both
LRB-0065 and LRB-0067 should continue to appear in the compiled bill.
GMM

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

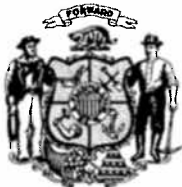
LRB-0067/5dn
GMM:eev:rs

February 13, 2013

Katie Major:

This draft reconciles LRB-0065/5 and LRB-0067/4. Both LRB-0065 and LRB 0067 should continue to appear in the compiled bill.

Gordon M. Malaise
Senior Legislative Attorney
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State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0067/5
GMM:eev:rs

DOA:.....Major, BB0186 – Adoption assistance and subsidized guardianships
FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, a county department of human services or social services (county department) or, in a county having a population of 750,000 or more, DCF may provide monthly subsidized guardianship payments to the guardian of a child who has been adjudged to be in need of protection or services if certain conditions have been met, including the conditions that the child has been residing in the home of the guardian for not less than six consecutive months, the child's situation precludes the child from returning home or from being adopted, and the guardian has a strong commitment to caring for the child permanently. Currently, the amount of a monthly subsidized guardianship payment is *equal to* the foster care payment received by the guardian for the month immediately preceding the month in which the guardianship order was granted or a lesser amount if agreed to by the guardian.

This bill requires a county department or DCF, whichever is applicable, to determine the amount of a monthly subsidized guardianship payment based on the circumstances of the guardian and the needs of the child, but provides that that amount *may not exceed* the foster care payment received by the guardian for the month immediately preceding the month in which the guardianship order was granted.

Current law also permits DCF to provide payments to the adoptive or proposed adoptive parents of a child with special needs to assist in the cost of care of the child

when DCF determines that those payments are necessary to assure the child's adoption (adoption assistance). Currently, an agreement to provide adoption assistance may be made only for a child who is in the guardianship of DCF, an American Indian tribal agency in this state (tribal agency), or *another agency* authorized to place children for adoption or who is in a subsidized guardianship. This bill permits an adoption assistance agreement to be made only for a child who is in the guardianship of DCF, a tribal agency, or *a county department* authorized to place children for adoption; who is in a subsidized guardianship; or who is otherwise eligible for adoption assistance payments under Title IV-E of the federal Social Security Act.

Currently, the initial amount of adoption assistance for the support of a child who was in foster care or subsidized guardianship care immediately prior to placement for adoption is *equivalent to* the amount of the payments for that care at the time the adoption assistance agreement is signed, and the initial amount of adoption assistance for the support of a child who was not in that care immediately prior to placement for adoption is *equivalent to* the uniform foster care rate applicable to the child at the time the adoption assistance agreement is signed, unless a lesser amount is agreed to by the proposed adoptive parents, except that the initial amount of adoption assistance for the support of a child who is at high risk of developing moderate or intensive difficulty-of-care problems is \$0, but that amount may be increased if the child develops those problems.

This bill requires DCF to determine the initial amount of adoption assistance for the support of a child based on the circumstances of the adoptive family and the needs of the child, but provides that that amount *may not exceed* the amount of the child's foster care or subsidized guardianship care payments or the uniform foster care rate, whichever is applicable, at the time the adoption assistance agreement is signed.

Under current law, when the court assigned to exercise jurisdiction under the Children's Code (juvenile court) or a tribal court enters an order terminating parental rights to a child (TPR), the juvenile court or tribal court may transfer guardianship of the child to DCF, which is then responsible for securing the adoption of the child. If a permanent adoptive placement is not in progress two years after the entry of the TPR order, DCF may petition the juvenile court or tribal court to transfer legal custody of the child to a county department or back to the Indian tribe. This bill requires DCF, when guardianship of a child is transferred to DCF following a TPR, to seek a permanent adoptive placement for the child or to seek to enter into a subsidized guardianship agreement with a proposed guardian of the child and to petition the juvenile court or tribal court for the appointment of that individual as the guardian of the child.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 48.43 (7) of the statutes is renumbered 48.43 (7) (a) and amended
2 to read:

3 48.43 (7) (a) If the agency specified under sub. (1) (a) is the department and,
4 the department shall seek a permanent adoptive placement for the child or seek to
5 enter into a subsidized guardianship agreement under s. 48.623 (2) with a proposed
6 guardian of the child and petition the court for the appointment of that individual
7 as the guardian of the child under s. 48.977 (2).

8 (b) If a permanent adoptive or subsidized guardianship placement is not in
9 progress 2 years after entry of the order, the department may petition the court to
10 transfer legal custody of the child to a county department, except that the
11 department may not petition the court to transfer to a county department legal
12 custody of a child who was initially taken into custody under s. 48.195 (1). The court
13 shall transfer the child's legal custody to the county department specified in the
14 petition. The department shall remain the child's guardian.

15 **SECTION 2.** 48.48 (3m) (d) of the statutes is amended to read:

16 48.48 (3m) (d) The tribal court has signed a written contract that addresses
17 federal and state law and that provides that the tribal court will accept the return
18 of the legal custody or the legal custody and guardianship of the child if the
19 department petitions the tribal court to do so under s. 48.485 (2).

20 **SECTION 3.** 48.485 of the statutes is renumbered 48.485 (1) and amended to
21 read:

22 48.485 (1) If the department accepts guardianship or legal custody or both from
23 a tribal court under s. 48.48 (3m), the department shall seek a permanent adoptive
24 placement for the child or seek to enter into a subsidized guardianship agreement
25 under s. 48.623 (2) with a proposed guardian of the child and petition the court for

1 the appointment of that individual as the guardian of the child under s. 48.977 (2)
2 or under a substantially similar tribal law.

3 (2) If a permanent adoptive or subsidized guardianship placement is not in
4 progress within 2 years after entry of the termination of parental rights order by the
5 tribal court, the department may petition the tribal court to transfer legal custody
6 or guardianship of the Indian child back to the Indian tribe, except that the
7 department may not petition the tribal court to transfer back to an Indian tribe legal
8 custody or guardianship of an Indian child who was initially taken into custody
9 under s. 48.195 (1).

10 SECTION 4. 48.623 (1) (intro.) of the statutes is amended to read:

11 48.623 (1) ELIGIBILITY. (intro.) A county department or, ~~in a county having a~~
12 ~~population of 750,000 or more~~ as provided in sub. (3) (a), the department shall
13 provide monthly subsidized guardianship payments in the amount specified in sub.
14 (3) (b) to a guardian of a child under s. 48.977 (2) or under a substantially similar
15 tribal law if the county department or department determines that the conditions
16 specified in pars. (a) to (d) have been met. A county department or, ~~in a county having~~
17 ~~a population of 750,000 or more~~ as provided in sub. (3) (a), the department shall also
18 provide those payments for the care of a sibling of such a child, regardless of whether
19 the sibling meets the conditions specified in par. (a), if the county department or
20 department and the guardian agree on the appropriateness of placing the sibling in
21 the home of the guardian. A guardian of a child under s. 48.977 (2) or under a
22 substantially similar tribal law is eligible for monthly subsidized guardianship
23 payments under this subsection if the county department or, ~~in a county having a~~
24 ~~population of 750,000 or more~~, the department, whichever will be providing those
25 payments, determines that all of the following apply:

1 **SECTION 5.** 48.623 (3) (a) of the statutes is amended to read:

2 48.623 (3) (a) Except as provided in this paragraph, the county department
3 shall provide the monthly payments under sub. (1) or (6). The county department
4 shall provide those payments from moneys received under s. 48.48 (8p) or 48.569 (1)
5 (d). In a county having a population of 750,000 or more or in the circumstances
6 specified in s. 48.43 (7) (a) or 48.485 (1), the department shall provide the monthly
7 payments under sub. (1) or (6). The department shall provide those payments from
8 the appropriations under s. 20.437 (1) (dd) and (pd). In any other county, the county
9 department shall provide those payments from moneys received under s. 48.569 (1)
10 (d).

 ****NOTE: This is reconciled s. 48.623 (3) (a). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0015/5 and LRB-0067/4

11 **SECTION 6.** 48.623 (3) (b) of the statutes is amended to read:

12 48.623 (3) (b) The county department or, as provided in par. (a), the department
13 shall determine the amount of a monthly payment under sub. (1) or (6) for the care
14 of a child shall equal based on the circumstances of the guardian and the needs of the
15 child. That amount may not exceed the amount received under s. 48.62 (4) by the
16 guardian of the child for the month immediately preceding the month in which the
17 guardianship order was granted or a lesser amount if agreed to by the guardian and
18 specified in the agreement under sub. (2) (b). A guardian or an interim caretaker who
19 receives a monthly payment under sub. (1) or (6) for the care of a child is not eligible
20 to receive a payment under s. 48.57 (3m) or (3n) or 48.62 (4) for the care of that child.

21 **SECTION 7.** 48.975 (3) (a) 1. of the statutes is amended to read:

22 48.975 (3) (a) 1. Except as provided in subd. 3., for support of a child who was
23 in foster care or subsidized guardianship care immediately prior to placement for

1 adoption, the department shall determine the initial amount of adoption assistance
2 for maintenance ~~shall be equivalent to~~ based on the circumstances of the adoptive
3 family and the needs of the child. That amount may not exceed the amount of ~~that~~
4 the child's foster care or subsidized guardianship care payment at the time that the
5 agreement under sub. (4) (a) is signed ~~or a lesser amount if agreed to by the proposed~~
6 ~~adoptive parents and specified in that agreement.~~

7 **SECTION 8.** 48.975 (3) (a) 2. of the statutes is amended to read:

8 48.975 (3) (a) 2. Except as provided in subd. 3., for support of a child not in foster
9 care or subsidized guardianship care immediately prior to placement for adoption,
10 the department shall determine the initial amount of adoption assistance for
11 maintenance ~~shall be equivalent to~~ based on the circumstances of the adoptive family
12 and the needs of the child. That amount may not exceed the uniform foster care rate
13 applicable to the child that is in effect at the time that the agreement under sub. (4)
14 (a) is signed ~~or a lesser amount if agreed to by the proposed adoptive parents and~~
15 ~~specified in that agreement.~~

16 **SECTION 9.** 48.975 (4) (a) of the statutes is amended to read:

17 48.975 (4) (a) Except in extenuating circumstances, as defined by the
18 department by rule promulgated under sub. (5) (a), a written agreement to provide
19 adoption assistance shall be made prior to adoption. An agreement to provide
20 adoption assistance may be made only for a child who, at the time of placement for
21 adoption, is in the guardianship of the department or ~~other agency~~ a county
22 department authorized to place children for adoption, is in the guardianship of an
23 American Indian tribal agency in this state, ~~or is~~ in a subsidized guardianship under
24 s. 48.623, or is otherwise eligible for adoption assistance payments under 42 USC 673
25 (a) (2) (A).

1 **SECTION 10.** 48.977 (3r) of the statutes is amended to read:

2 **48.977 (3r) SUBSIDIZED GUARDIANSHIP.** Subsidized guardianship payments
3 under s. 48.623 (1) may not be made to a guardian of a child unless a subsidized
4 guardianship agreement under s. 48.623 (2) is entered into before the guardianship
5 order is granted and the court either terminates any order specified in sub. (2) (a) or
6 dismisses any proceeding in which the child has been adjudicated in need of
7 protection or services as specified in sub. (2) (a). If a child's permanency plan calls
8 for placement of the child in the home of a guardian and the provision of monthly
9 subsidized guardianship payments to the guardian, the petitioner under sub. (4) (a)
10 shall include in the petition under sub. (4) (b) a statement of the determinations
11 made under s. 48.623 (1) and a request for the court to include in the court's findings
12 under sub. (4) (d) a finding confirming those determinations. If the court confirms
13 those determinations, appoints a guardian for the child under sub. (2), and either
14 terminates any order specified in sub. (2) (a) or dismisses any proceeding in which
15 the child is adjudicated to be in need of protection or services as specified in sub. (2)
16 (a), the county department or, ~~in a county having a population of 750,000 or more,~~
17 as provided in s. 48.623 (3) (a), the department shall provide monthly subsidized
18 guardianship payments to the guardian under s. 48.623 (1).

19 **SECTION 9306. Initial applicability; Children and Families.**

20 (1) **SUBSIDIZED GUARDIANSHIP AND ADOPTION ASSISTANCE AGREEMENTS.** The
21 treatment of sections 48.623 (1) (intro.) and (3) (b), 48.975 (3) (a) 1. and 2. and (4) (a),
22 and 48.977 (3r) of the statutes first applies to a subsidized guardianship agreement
23 or an adoption assistance agreement entered into or amended on the effective date
24 of this subsection.

25 **(END)**